

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JASON M. POTTER,

Plaintiff,

vs.

JEFF WEBER, et al.,

Defendants.

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Case No. 4:19-cv-00084-FJG-P

ORDER

Plaintiff has filed a motion for appointment of counsel. Doc. 3. “There is no constitutional right to appointed counsel in civil cases.” *Phillips v. Jasper County Jail*, 437 F.3d 791, 794 (8th Cir. 2006) (citing *Edington v. Missouri Dep’t of Corr.*, 52 F.3d 777, 780 (8th Cir. 1995)). Rather, “[i]n civil rights matters the court *may*, pursuant to 28 U.S.C. § 1915, ‘request’ an attorney to represent a party if, within the court’s discretion, the circumstances are such that would properly justify such a request.” *Mosby v. Mabry*, 697 F.2d 213, 214 (8th Cir. 1982). Among the factors to be considered by the district court in determining whether to appoint counsel in a civil case are “the factual complexity of the issues, the ability of the indigent person to investigate the facts, the existence of conflicting testimony, the ability of the indigent person to present the claims, and the complexity of the legal arguments.” *Phillips*, 437 F.3d at 794.

At this point, the record is not sufficiently developed to determine whether appointment of counsel is warranted. Also, this case is subject to review and possibly pre-service dismissal under 28 U.S.C. §1915A.

Accordingly, it is **ORDERED** that Plaintiff’s motion for appointment of counsel (Doc. 3) is **DENIED** without prejudice.

IT IS SO ORDERED.

/s/ Fernando J. Gaitan, Jr.
FERNANDO J. GAITAN, JR., JUDGE
UNITED STATES DISTRICT COURT

Dated: February 14, 2019